

REMARKS

Claims 9-14, 24-28, 35, 39-60 are pending in this application. Claims 13, 24-28, 35, 41, 50, and 53-56 have been withdrawn. Applicants have added claims 57-60 and amended claims 9, 11, 14, 24-26, 35, 41, 55, and 56. Applicants have canceled claims 1-8, 15-23, 29-34, and 36-38.

Applicants thank the Examiner for stating that "The elected species of (a) SEQ ID NO:163, (b) the general formula H in the context of claim 11, and (c) the general formula A of claim 11 in the context of claim 11, are free of prior art."

Restriction Requirement

Applicants thank the Examiner for joining in part claims 11, 12, 14, 39-40, 42-49, and 51-52 with the elected invention (Group II).

Applicants respectfully request rejoinder of the withdrawn claims upon allowance of the elected claims.

In view of the fact that the Examiner has kindly extended the search to all consensus sequences in claims 9 and 11, Applicants submit that dependent claims further narrowing these sequences (e.g., claims 57-60) are also allowable upon a finding that claims 9 and 11 are allowable.

35 U.S.C. § 102

The Office Action has rejected claims 9-11 as anticipated under § 102(a) by Sauge-Merle *et al.*, *European J. Biochem.* 266:62-69 (1999), and under § 102(e) by Victoria et al., U.S. Patent No. 6,207,160. Specifically, the Office Action alleges that each reference teaches sequences that anticipate SEQ ID NO:10.

Without acceding to the Examiner's position, Applicants have amended claim 9 to recite that X₂ is Asn or Asp with respect to the consensus (J). Sauge-Merle teaches a Ser at the corresponding position; Victoria teaches Pro and Thr. As a result, neither reference teaches a sequence that anticipates consensus (J) of amended claim 9.

Likewise, Applicants have added consensus (M) to claim 9 to recite that X₈ can be Gly, Lys, Phe, Ser, Trp, or Tyr. Sauge-Merle teaches Glu at the corresponding position; Victoria teaches Arg. As a result, neither reference teaches a sequence that anticipates consensus (M) of amended claim 9.

Claim 11 recites a sequence, SEQ ID NO:3, that includes SEQ ID NO:10, but is limited by further designation of amino acid residues permissible at positions X₁-X₃, X₅-X₁₁, and X₁₃-X₁₅. Applicants respectfully submit that neither Sauge-Merle nor Victoria teach a sequence that anticipates claim 11.

In Sauge-Merle, the sequences flanking the two Cys residues in this reference (i.e., positions corresponding to X₁-X₃ and X₁₃-X₁₅) are not allowed in SEQ ID NO:3 with the consensus as set forth in claim 11. Victoria teaches peptides that are nine amino acid residues in length and, more specifically, that are two Cys residues separated by seven residues. This reference does not teach any sequences that flank the two Cys residues (i.e., positions corresponding to X₁-X₃ and X₁₃-X₁₅). As such, Victoria does not teach a sequence that meets all the limitations on SEQ ID NO:3 in claim 11. Thus, these references does not teach all the elements of claim 11.

Because neither Sauge-Merle nor Victoria teaches a sequence that anticipates SEQ ID NO:10 as set forth in claim 9 or SEQ ID NO:3 as set forth in claim 11, Applicants respectfully request that these rejections of claims 9-11 be withdrawn.

35 U.S.C. § 112, second paragraph

The Office Action states that claims 11 and 12 are indefinite because they recite different sequences for SEQ ID NO:3. Applicants have amended the typographical error in claim 11 by inserting an "X" between the Cys and the subscript "5." This amendment is supported in the specification, for example, in claim 11 as originally filed.

The Office Action states that claim 14 is indefinite because it recites "J" in SEQ ID NO:164. Applicants have amended this typographical error in claim 14, by replacing the "JI" in

SEQ ID NO:164 with "H." This amendment is supported in the specification, for example, in claim 14 as originally filed.

Applicants respectfully submit that the claim amendments have overcome the rejections of claims 11, 12, and 14 and request that these rejections be withdrawn.

Claim Objections

The Office Action objects to claim 9 for use of the term "formulae." Claim 9 has been amended to use language accepted in claim 11.

The Office Action objects to claims 39-40, 42-49, and 51-52 for depending from rejected claims. Applicants respectfully submit that the amendment to claim 9 has overcome the rejection to this claim and request that this objection be withdrawn.

CONCLUSION

The Applicants respectfully submit that all claims are in condition for allowance. The Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do the Applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

All amendments and cancellations are made without prejudice and disclaimer and may be made for reasons not explicitly stated or for reasons in addition to ones stated.

Applicant : Beltzer et al.
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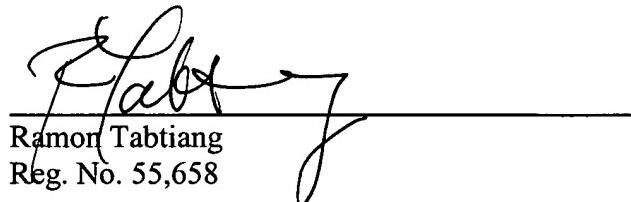
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Please apply any charges (including fees for excess claims and any fees necessary to maintain the pendency of this application) to deposit account 06-1050, referencing Attorney Docket No. 10280-078001.

Respectfully submitted,

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